

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which if portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Police Officer states:

During an assigned tour of duty, on foot, or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, and to apprehend lawbreakers; does related work as required.

The definition section of the job specification for Police Sergeant states:

Under supervision of a Police Lieutenant during an assigned tour of duty, has charge of police activities intended to provide assistance and protection for persons, safeguard property, and assure observance of the laws, and apprehend lawbreakers; does related work as required.

A significant classification consideration is the level of supervisory authority within the organizational structure. First, it must be emphasized that the appointing authority has the right to determine the organizational structure of its operation. The New Jersey Administrative Code does not mandate that local jurisdictions spend funds to make promotional appointments, and the Commission does not have any authority over fiscal decisions of local jurisdictions. As long as there are no improper reporting relationships or misclassifications, how the office is organized or how often the office is reorganized is not under the jurisdiction of the Commission or reviewable in the context of a classification appeal.

Historically, the Sergeant title has always been a supervisory title. Supervisory duties include responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided

September 10, 1997). Moreover, the Civil Service Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. See *In the Matter of Timothy Teel* (MSB, decided November 16, 2001). Actual authority is evidenced by being named the rater on the performance evaluation document. See *In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005). Additionally, supervisory duties should concern Police Officers, the lower title in the title series. Supervision over civilian Dispatchers, crossing guards or special officers would not warrant a supervisory title in the Police Officer title series.

In the present case, the appellant does not have the responsibility of supervising staff as he does not complete employee evaluations. Although the appellant indicated on his PCQ that he “supervised” four Dispatchers and one Police Officer, he did not indicate responsibility for their performance evaluations. The appellant maintains on appeal that he supervised for 21 unspecific months during 2016 and 2017. However, his immediate supervisor has indicated that he was a shift supervisor for 38% of the time. Assuming *arguendo* that he completed performance evaluations for subordinate Police Officers, since the appellant does not supervise more than half of the time that he works, he cannot be misclassified as a Sergeant. The majority of duties listed on Morton’s PCQ are appropriate for a Police Officer and he does not indicate applicable supervisory duties over Police Officers.

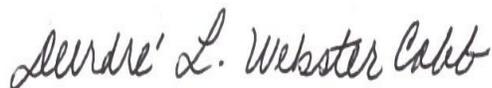
Accordingly, a thorough review of the entire record establishes that the proper classification of Thomas Morton Jr.’s position is Police Officer.

ORDER

Therefore, the position of Thomas Morton Jr. is properly classified as Police Officer.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1st DAY OF AUGUST, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Thomas Morton Jr.
Barbara Ilaria
Kelly Glenn
Records Center